

REMARKS

This is a full and timely response to the outstanding final Office action mailed May 17, 2006.

I. Rejections Under 35 U.S.C. §102(e) and §103(a)

The Office Action rejects claims 1, 13, 35, and 47 under 35 U.S.C. §102(e) as allegedly being anticipated by *Loucks* (U.S. Patent No. 6,760,412).

The Office Action rejects claims 1-11, 13-22, 35-44, 46-56, and 59-62 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Loucks* in view of *Chandra* (U.S. Patent Publication No. 2002/0138582).

The Office Action rejects claims 12, 23, 45, and 57 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Loucks* in view of *Chandra* and further in view of *Langsenkamp* (U.S. Patent No. 6,556,664).

For at least the reasons set forth below, Applicant respectfully traverses the rejections.

Independent claim 1 as amended recites:

1. A method of arranging for an electronically-recorded message to be delivered to a communication medium of a second user at a selected time, said method comprising the steps of:
recording the message by a first user on a stand-alone communication device in direct connection to a telephone line as customer premises equipment;
inputting an access code on the stand-alone communication device for accessing the communication medium of the second user; and
indicating a delivery time for delivery of the message from the stand-alone communication device to the communication medium of the second user, wherein the message is retractable by canceling delivery of the message before the delivery time.

(Emphasis added).

The final Office Action states that *Loucks* “does not specifically teach wherein the message is retractable by canceling delivery of the message before the delivery time” but alleges that *Langsenkamp* teaches the feature. Page 10. With regard to *Langsenkamp*, it describes that a call session may be canceled, where the call session generally includes a list of calls that are to be made to different recipients. *See* col. 15, lines 20-31 (“Secondly, it cancels all calls that have not yet been made and marks the session as called. In the example that follows, calling session number 17 was selected with the F1 key.”) *Langsenkamp* does not disclose that an individual call can be canceled by itself. For at least this reason, *Langsenkamp* appears deficient in teaching or suggesting “indicating a delivery time for delivery of the message from the stand-alone communication device to the communication medium of the second user, wherein the message is retractable by canceling delivery of the message before the delivery time,” as recited in claim 1.

Further, the feature of a “stand-alone communication device” being used to implement the method of claim 1 is not taught or suggested by any of the cited art, including *Louck*, *Langsenkamp*, and *Chandra*.

Therefore, claim 1 is not anticipated by *Louck*, and claim 1 is further patentable over any proposed combinations of the cited references of *Louck*, *Langsenkamp*, and *Chandra*. For example, *Chandra* is seemingly directed to transportable applications. “A transportable application is indirectly transported to each named recipient by sending a message, such as an electronic mail message, to each recipient that contains a reference to the transportable application in the form of a URL that includes the global identifier. When the user opens the message, the URL is invoked, causing the user’s browser to retrieve the dynamic content and other elements of the transportable application.” Para. 0345. In particular, *Chandra* seems directed to delivery of notification and reminders based upon events that are tied to actions carried out by transportable applications and not based upon a delivery time inputted by a user. *See* paras. 0536 and 0540.

For at least these reasons, the rejection of claim 1 and claims 2-11 & 59 which depend therefrom should be withdrawn.

Further, regarding claim 6, it recites “indicating a maximum re-send message number selected by the first user used to re-send the message to a recipient a maximum number of times when the second user does not directly receive the message” which does not appear to be

disclosed by the cited art. For example, *Chandra* seemingly teaches that a user can choose to have notifications sent to notify a user of changes (*see* FIG. 7 in *Chandra*) but does not teach or suggest "indicating a maximum re-send message number selected by a first user used to re-send the message to a recipient a maximum number of times when the second user does not directly receive the message," as recited in claim 6. For at least this reason, claim 6 should be allowed.

Claim 12 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to the claim is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of the canceled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

Independent claim 13 as amended recites:

13. A method of sending an electronically-recorded message to a communication medium of a second user at a selected time, said method comprises the steps of:

recording the message by a first user on a stand-alone communication device in direct connection to a telephone line as customer premises equipment;

inputting an access code on the stand-alone communication device for accessing the communication medium of the second user;

indicating a delivery time for delivery of the message to a communication medium of the second user; and

sending the message from the stand-alone communication device to the communication medium of the second user when the time reaches the delivery time, wherein the message is retractable by canceling delivery of the message before the delivery time.

(Emphasis added).

The final Office Action states that *Loucks* "does not specifically teach wherein the message is retractable by canceling delivery of the message before the delivery time" but alleges that

Langsenkamp teaches the feature. Page 10. With regard to *Langsenkamp*, it describes that a call session may be canceled, where the call session generally includes a list of calls that are to be made to different recipients. See col. 15, lines 20-31 ("Secondly, it cancels all calls that have not yet been made and marks the session as called. In the example that follows, calling session number 17 was selected with the F1 key.") *Langsenkamp* does not disclose that an individual call can be canceled by itself. For at least this reason, *Langsenkamp* appears deficient in teaching or suggesting "sending the message from the stand-alone communication device to the communication medium of the second user when the time reaches the delivery time, wherein the message is retractable by canceling delivery of the message before the delivery time," as recited in claim 13.

Further, the feature of a "stand-alone communication device" being used to implement the method of claim 13 is not taught or suggested by any of the cited art, including *Louck*, *Langsenkamp*, and *Chandra*.

Therefore, claim 13 is not anticipated by *Louck*, and, moreover, claim 13 is patentable over any proposed combinations of the cited references of *Louck*, *Langsenkamp*, and *Chandra*. For example, *Chandra* is seemingly directed to transportable applications. "A transportable application is indirectly transported to each named recipient by sending a message, such as an electronic mail message, to each recipient that contains a reference to the transportable application in the form of a URL that includes the global identifier. When the user opens the message, the URL is invoked, causing the user's browser to retrieve the dynamic content and other elements of the transportable application." Para. 0345. In particular, *Chandra* seems directed to delivery of notification and reminders based upon events that are tied to actions carried out by transportable applications and not based upon a delivery time inputted by a user. See paras. 0536 and 0540.

For at least these reasons, the rejection of claim 13 and claims 14-22 & 60 which depend therefrom should be withdrawn.

Claim 23 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to the claim is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of the canceled claim in a continuing

application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

Independent claim 35 as amended recites:

35. A system for arranging for an electronically-recorded message to a communication medium of a second user at a selected time, said system comprising:

means for recording by a first user a message on a stand-alone communication device in direct connection to a telephone line as customer premises equipment;

means for inputting an access code on the stand-alone communication device for accessing a communication medium of the second user;

means for indicating a delivery time for delivery of the message to a communication medium of the second user;

means for sending the message from the stand-alone communication device to the communication medium of the second user when the time reaches the delivery time; and

means for retracting the message by canceling delivery of the message before the delivery time.

(Emphasis added).

The final Office Action states that *Loucks* "does not specifically teach wherein the message is retractable by canceling delivery of the message before the delivery time" but alleges that *Langsenkamp* teaches the feature. Page 10. With regard to *Langsenkamp*, it describes that a call session may be canceled, where the call session generally includes a list of calls that are to be made to different recipients. See col. 15, lines 20-31 ("Secondly, it cancels all calls that have not yet been made and marks the session as called. In the example that follows, calling session number 17 was selected with the F1 key.") *Langsenkamp* does not disclose that an individual call can be canceled by itself. For at least this reason, *Langsenkamp* appears deficient in teaching or suggesting "means for sending the message from the stand-alone communication device to the communication

medium of the second user when the time reaches the delivery time; and means for retracting the message by canceling delivery of the message before the delivery time,” as recited in claim 35.

Further, the feature of a “stand-alone communication device” being used to implement the method of claim 35 is not taught or suggested by any of the cited art, including *Louck*, *Langsenkamp*, and *Chandra*.

Therefore, claim 35 is not anticipated by *Louck*, and, moreover, claim 35 is patentable over any proposed combinations of the cited references of *Louck*, *Langsenkamp*, and *Chandra*. For example, *Chandra* is seemingly directed to transportable applications. “A transportable application is indirectly transported to each named recipient by sending a message, such as an electronic mail message, to each recipient that contains a reference to the transportable application in the form of a URL that includes the global identifier. When the user opens the message, the URL is invoked, causing the user’s browser to retrieve the dynamic content and other elements of the transportable application.” Para. 0345. In particular, *Chandra* seems directed to delivery of notification and reminders based upon events that are tied to actions carried out by transportable applications and not based upon a delivery time inputted by a user. See paras. 0536 and 0540.

For at least these reasons, the rejection of claim 35 and claims 36-44 & 61 which depend therefrom should be withdrawn.

Claim 45 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to the claim is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of the canceled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

Independent claim 47 as amended recites:

47. A system for sending an electronically-recorded message to a communication medium of a second user at a selected time, said system comprising:

means for recording by a first user a message on a stand-alone communication device in direct connection to a telephone line as customer premises equipment;

means for inputting an access code for accessing a communication medium of the second user;

means for indicating a delivery time for delivery of the message to a communication medium of the second user;

means for keeping track of a clock time;

means for sending the message from the stand-alone communication device to the communication medium of the second user when the time reaches the delivery time; and

means for retracting the message by canceling delivery of the message before the delivery time.

(Emphasis added).

The final Office Action states that *Loucks* “does not specifically teach wherein the message is retractable by canceling delivery of the message before the delivery time” but alleges that *Langsenkamp* teaches the feature. Page 10. With regard to *Langsenkamp*, it describes that a call session may be canceled, where the call session generally includes a list of calls that are to be made to different recipients. See col. 15, lines 20-31 (“Secondly, it cancels all calls that have not yet been made and marks the session as called. In the example that follows, calling session number 17 was selected with the F1 key.”) *Langsenkamp* does not disclose that an individual call can be canceled by itself. For at least this reason, *Langsenkamp* appears deficient in teaching or suggesting “means for sending the message from the stand-alone communication device to the communication medium of the second user when the time reaches the delivery time; and means for retracting the message by canceling delivery of the message before the delivery time,” as recited in claim 47.

Further, the feature of a “stand-alone communication device” being used to implement the method of claim 47 is not taught or suggested by any of the cited art, including *Louck*, *Langsenkamp*, and *Chandra*.

Therefore, claim 47 is not anticipated by *Louck*, and, moreover, claim 47 is patentable over any proposed combinations of the cited references of *Louck*, *Langsenkamp*, and *Chandra*. For example, *Chandra* is seemingly directed to transportable applications. “A transportable application

is indirectly transported to each named recipient by sending a message, such as an electronic mail message, to each recipient that contains a reference to the transportable application in the form of a URL that includes the global identifier. When the user opens the message, the URL is invoked, causing the user's browser to retrieve the dynamic content and other elements of the transportable application." Para. 0345. In particular, *Chandra* seems directed to delivery of notification and reminders based upon events that are tied to actions carried out by transportable applications and not based upon a delivery time inputted by a user. See paras. 0536 and 0540. For at least these reasons, the rejection of claim 47 and claims 48-56 & 62 which depend therefrom should be withdrawn.

Claim 57 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to the claim is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of the canceled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

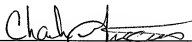
II. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



Charles W. Griggers, Reg. No. 47,283

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**

Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

Customer No.: 38823